

REMARKS

35 U.S.C. § 112 Claim Rejection


In the Board's May 27, 2004 Decision, the Board affirmed the Examiner's rejection of claims 1-5 under 35 U.S.C. § 112 ¶ 1. All of the Examiner's prior art rejections were reversed. In order to place the application in condition for allowance, Applicants have amended claim 1 to clarify that each of the brake disks comprise "a disk" (in the singular) instead of "disks" (in the plural).

In the Examiner's Answer before the Board, the Examiner argued that the "claim language reads as if the end plate, for example, is made up of more than one disk and as if the wear faces have three different wear portions. Clarification is required." (Answer at 4 (emphasis added)). The Examiner repeated this point later in the Answer as follows: "Examiner notes, however, that the cited statements clearly do not support the limitation of 'the brake disks, end plate and pressure plate, each comprising of *disks*' recited in lines 2-3 of claim 1. The claim limitation reads as if the pressure plate, for example, is made up of more than one disk." (Answer at 8-9 (emphasis in original)). In the Board's Decision, the Board countered this position as follows: "The examiner considers (answer, pages 4 and 9) that the above quoted portion of claim 1 reads as if the end plate, for example, is made up of more than one disk, which is clearly not the case." (Decision at 4). Despite this, the Board went on to explain the following: "The examiner's point is well taken. The language in question of claim 1 clearly calls for *each* of the brake disks, end plate and pressure plate to comprise *disks* (in the plural) with wear faces." (Decision at 4 (emphasis in original)).

The amendment to claim 1 above clarifies this issue. Each of the brake disks is not made up of more than one disk. Each brake disk comprises a single disk. Applicants believe that this amendment now places all claims in condition for allowance. If the Examiner believes further discussion on this issue would be helpful, the Examiner may reach Applicants' attorney, Richard E. Stanley, Jr., at 312-321-4279.

Accordingly, Applicants request consideration of the amendment above and an allowance of all pending claims.

Respectfully submitted,


Richard E. Stanley, Jr.
Registration No. 45,662
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200